Yukon
HUMAN RIGHTS
Commission

ANNUAL REPORT

April 1, 2007 – March 31, 2008

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Message from the Chair

It is a pivotal time for human rights in the Yukon as we enter the 21st year since the *Act* was created. It has been an extremely eventful and productive year for the Commission on a number of fronts. I know that maintaining corporate knowledge is a valuable asset for smaller organizations like the Commission and that is why I sought my reappointment this past year. As I enter my fourth year with the Commission I can say that it continues to be a pleasure to work with the YHRC staff and Commissioners.

The Commission had long recognized the need for our office to be in a fully accessible location. Through the exceptional work of Commission staff in December, 2007, we moved to a ground level, fully accessible location, albeit with significantly less square footage. The staff readily took on many of the challenges head on, including the physical move and coordination of system hookups (telephones, computers, and internet) in order to get us up and running cost effectively, with virtually no interruption in our ability to serve the public.

Also, in December 2007, Ms. Glenis Allen was appointed as a new member to the Commission. She has extensive experience working at the senior management level in both the private and public sector. She has provided consulting services in the human resources field and on human rights issues to a variety of clients including First Nations Governments. She brings a sound knowledge of the Yukon *Human Rights Act* and labour related issues to the Commission.

On March 2, 2007 the Commission acknowledged and thanked our longest serving employee, Ms. Lynn Pigage, our office administrator and intake worker. She has worked hard to provide support and guidance to the Commission for a decade. It was a pleasure to acknowledge and celebrate her continued commitment to excellence and long service with the Commission.

On March 18, 2008 the Commission celebrated the International Day for the Elimination of Racial Discrimination, by holding an open house. The Commission invited representatives from all parties of the Legislative Assembly to participate in a ribbon cutting ceremony in our new, accessible office at 101-9010 Quartz Road.

Governance Work

Later in the spring of 2007, the Department of Justice offered the service of a consultant to begin a process to revise the Commission's strategic plan and to develop a new accountability framework. The staff and Commissioners recognized this as an opportunity to build on our strong core values and demonstrate our commitment to governance development. Working on the governance framework

was an excellent opportunity for staff and Commissioners to reflect on our process and to look at our strategic direction and key priority areas for the Commission over the next five years.

Law Reform

Despite ongoing challenges and a demanding workload, the Commission decided to take an active role in the law reform process to review the Yukon *Human Rights Act*. The Commission is the expert on human rights, and on the current *Act*, in the Territory. Law reform is a time for all Yukoners to focus on creating the best human rights act in the country. As I look to the future, it is clear to me that having an up to date and comprehensive *Human Rights Act* is part of significantly improving the quality of life for all Yukoners. I was very encouraged by the non-partisan approach to the issue of law reform. Human rights are too important to become entrenched in any kind of politicized process.

One day I hope to tell future generations of Yukoners that I had the privilege and honour of helping to create the most comprehensive human rights act in the country. The progress towards realizing Yukon's vision of equality will depend on public commitment and community and government support of new legislation to fight discrimination.

Independence

One of the key issues the Commission believes should be addressed in law reform is the safeguarding of the Commission's independence. The public must be confident that the Commission is impartial in its work and at arms' length from Government, particularly when it is investigating complaints against the Government as employer or service provider.

Currently, the Commission's grant is a small line item in the overall Department of Justice budget. Each year, the Commission provides a budget proposal to the Department of Justice which reviews it and then recommends to the Government's Management Board the amount the Commission should receive in funding for the coming year. Justice is also the Department that usually represents the Government as a party in human rights hearings and related court actions and appeals. This funding arrangement has given rise to appeals this year against Commission decisions on the basis that the Commission is not impartial and at arms' length from Government. In addition, this year the Government decided that organizations whose governing legislation does not require a direct grant through the Legislature will be funded through a "contribution agreement" (a contract for services). The Commission is concerned about the effect such a funding arrangement would have on its independence especially because there is no provision in the *Act* clearly setting out how the Commission is to be funded. The Commission asked and received a one year delay in any change to its funding mechanism so that our grant would still come through the Legislature, with debate

and oversight by lawmakers, rather than government officials. The Commission has asked that changes to the Commission's funding arrangements be addressed as part of law reform, rather than through Government policy. The Commission has also asked that its funding be dealt with by the Member Services Board of the Legislature, as is the case for the funding of the Ombudsman's office.

The Commission remains fully engaged in a number of areas including governance, research, and law reform. It remains committed to improving the current *Act.*

On behalf of the Commission and staff, I present to you this 2007-2008 Annual Report of the Yukon Human Rights Commission.

Melissa Atkinson
Chair

Open House and Ribbon Cutting

Justice Minister Horne, members of the Legislative Assembly and Commission members celebrate March 21 – the Day for the Elimination of Racial Discrimination, with a ribbon cutting ceremony at the Commission's new location.

Commission Members in 2007 - 2008

Left to right: Max Rispin, Lois Moorcroft, Melissa Atkinson, Glenis Allen; front: Rick Goodfellow

Work of Commissioners

The Role of a Member of the Commission

Yukoners who are interested in being appointed as volunteer members of the Commission for a 3 year term apply to the Legislature through the Boards and Committees Secretariat. The Legislature appoints the Commissioners. Commissioners meet monthly to review investigation reports and the responses to them by the people who filed the complaints and by the persons or businesses the complaints were filed against.

Under section 21 of the *Act,* Commissioners must decide to:

a) dismiss the complaint; or
b) refer it to settlement; or if settlement fails,
c) Refer it to a Board of Adjudication for hearing.

Commissioners do not decide whether or not discrimination occurred. They decide whether there is enough evidence to justify sending the complaint onto the next stage of settlement or hearing. If they decide there is not enough evidence, they must dismiss the complaint.

The Commission's lawyer advises Commissioners on human rights law. Commissioners also oversee the administration of the Commission, including hiring the Director, financial planning

and oversight, strategic planning and policy development. They also act as spokespersons at public education events. The members decide who will be Chair of the Commission.

Message from Melissa Atkinson, Chair

"I am very proud to be part of the Commission. It is an opportunity to further my community service and give back to the Yukon community in a meaningful way. The Human Rights Commission process is another way for the community members to access justice, fairness and truth. I look forward to continuing my public service. In a way, my work with the YHRC is like coming home, as most of my life I have been very vocal about my experiences regarding racism and discrimination. One clear way to move forward is to provide education about human rights which becomes a key factor in working toward the elimination of racism and discrimination."

Message from Glenis Allen

"I am a committed advocate of people's basic rights and freedoms. To me, this includes an individual's social, political and cultural rights. My working career has been in the human resources field which has centred on dealing with people and their issues in the workplace. This has also been a focus of part of my volunteer work. I feel strongly that people have the right to be treated with equality, fairness, and dignity, and that all individuals have the right to work or live free of any type of discrimination or harassment. My service on the Human Rights Commission provides me with an opportunity to put my beliefs to work for those who have been treated unfairly or insensitively."

Message from Lois Moorcroft:

"We need to update our Act to improve protection from discrimination in today's society. The Act promotes the principle of the inherent right of every human being to dignity. In Yukon communities, the chronic high rate of male violence against women, racism against aboriginal people, lack of accessible services for people with disabilities, and sexual harassment in schools and workplaces are all examples of contemporary human rights violations. All of us need to support individual and collective human rights, such as the rights to life, housing, education, justice, equality, health, and political participation named in the Universal Declaration of Human Rights and other international conventions. Speak the truth and advocate for justice."

Message from Max Rispin says:

"Born and educated in New Zealand, I emigrated to Canada, traveled North, and have spent over forty years in Yukon, Northwest Territories and what is now called Nunavut, as a teacher and civil servant. During this time I have noticed a gradual acceptance by residents of all national groups: however, discrimination, because of national origin, still persists, albeit not as flagrantly as when I first traveled North.

"Racial profiling", for want of a better expression, is still seen in our Yukon society, where surely acceptance of the diversity of people is perhaps our greatest attribute as "Yukoners". It is because of my strong feelings against this form of discrimination that I hope, in some small way, I may be able to diminish discrimination in my time as a member of the Yukon Human Rights Commission."

Message from the Director

Law Reform

By standing still, we fall behind: Yukon's human rights law has not been reviewed or comprehensively amended since it was first passed in 1987, despite Commission requests for law reform since 1998. The Commission does not have all the tools it needs for efficient and effective investigations that other Canadian human rights commissions have and use. Our out-of-date *Act* and the courts tell us how we must investigate. As a result, we have a slow and cumbersome investigation process as well as the lowest threshold in the country for making a complaint. In addition, parts of our *Act* are inconsistent with the *Charter*. We could do better.

On April 27, 2007, Minister of Justice Marian Horne announced a review of Yukon's *Human Rights Act*. We welcome this opportunity not only to improve the *Act* and human rights system, but also to increase awareness and understanding of what the current *Act* provides and how our system works. We believe that both education and informed citizen participation are essential for meaningful law reform. We also believe the Commission -- with its decades of experience and its expertise in human rights -- has an important role to play. We made the strategic decision to devote some of our scarce resources to this important work this reporting year.

Research and Outreach

We applied for $35,000 and received $20,000 from the Women's Equality Fund to

- analyse information in our database (of twenty years) for patterns and trends
- review human rights laws in other jurisdictions, including recent innovations and changes, as well as
- research what Yukon women and girls felt were the gaps and problems, if any, in human rights protection and our current system for them; how they thought the Commission could better serve them; and what their priorities were for an improved and made-for-the-Yukon human rights system.

Our educator conducted nine focus groups with aboriginal women, women living in poverty, women experiencing violence, seniors and youth, immigrant and racialized women, and women with disabilities. The Commission also hired contract staff to assist in the completion of the project. We reached a total of 255 women and girls from Watson Lake to Whitehorse, including the communities of Tagish, Ross River, Dawson City, and Haines Junction. Go to our website at www.yhrc.yk.ca or contact us for a copy.

Focus on Youth

One of the first things we learned from our database is that youth are far less likely than adults to come to the Commission for help. So we made outreach to youth a priority for our

law reform efforts. We were grateful to receive project funding from the Yukon Employees Union for a youth blog and Face book promotion on human rights, which we launched at the BYTE conference in January this year. Youth accessed the blog and Facebook site and 142 completed surveys. We heard from young people in Whitehorse but also from the communities of Destruction Bay, Haines Junction, Ross River, Watson Lake, Mayo and Stewart Crossing. We found the caliber of responses to be thoughtful and helpful. As far as we know, we are the first Canadian commission to try a youth blog to reach the online generation. We learned a lot in this first attempt. Go to our website at www.yhrc.yk.ca or contact us for a copy of the report.

What did we learn?

Here is some of what we learned from our research projects.

- Understanding and awareness of human rights and the Commission is very low, especially amongst youth.
- There is a deep need for more education and information, especially for youth: 91% of surveyed youth said they needed more information about human rights and many said that they thought they should learn about it in school. Almost all the youth who said they knew a "little bit" about human rights, said they learned about it in school. However, there were still about 40% who did not know anything about it.
- Seventy percent of the complaints by females over the past 20 years alleged discrimination in employment, and of these 17% were pregnancy-related.
- Women identified the need for safe, adequate low income housing as a priority, as well as increased protection against gender-based violence in the *Act*.
- Some women said pay equity should be extended to the private sector in the *Act*.
- Women also said there should be protection against discrimination on the basis of social condition for those who are homeless, unemployed and who have no source of income.
- First Nations women told us that there are jurisdictional gaps in human rights protection for First Nations women that need to be addressed. Of all the complaints brought forward by women over two decades, 17% were from aboriginal women.

Where do we go from here?

Key areas for law reform are enhancing protections under the *Act*, improving the efficiency of the human rights process, and strengthening the prevention and education aspect of our work. Our goal is to develop a working document of our recommendations for Yukoners to help them participate in law reform in a meaningful way. One immediate focus is the need for adequate resources to do this work, given our small staff and busy workload.

Growing Caseload

As you will see in the graphs and statistics, we have the highest number of open complaints at year-end in our small Commission's history. These numbers represent real people waiting for our process to finish. This year, we did not close or complete as many cases as we did in the previous two years. There are several reasons: (1) the Commission decided to devote some of its staff resources to research and law reform and this left less time for informal resolution and

settlement work; (2) there are more cases at hearing than ever before – this reporting year we had 11 cases at various stages of hearing – the Commission does not control how fast cases are set down for hearing or heard and cases at hearing remain on the Commission's open case list until they are finished, including the conclusion of any appeals in the Supreme Court of the Board of Adjudication's decisions; (3) the Commission currently has the highest number of systemic cases in its history and these are more complex and take longer to investigate, settle and be heard; (4) our investigation work was slower because the Commission was without an investigator from January, 2007 until two months into this fiscal year while we went through the hiring process– it then takes about a year for a new investigator to be fully trained and fully performing in this position.

New Staff, New Procedures and Increased Prevention Work

In May, 2007, we welcomed Geoffrey Edwards as our new investigator. Geoffrey recently graduated from University of Alberta Law School and has experience working in the Edmonton office of the Canadian Human Rights Commission. He also brings a great deal of computer knowledge to our office and has taken the lead and saved us money on specifications for and installation of new office computers this winter. We are also delighted that he is often quickly able to solve many internet, equipment and programming problems that surface at the Commission, which is extremely helpful.

We now have new and improved procedures for complaint investigation, file retention, and abandoned complaints.

This year, 628 people received training on preventing or responding to human rights matters, primarily in the workplace, or advice on harassment and accommodation policy development, sometimes as a term of settlement. It has been one of the busiest and most productive years for the prevention aspect of our work on record. We applied for and received over $37,000 in project funding, outside of our base grant, for our research, education and training work this year. This is the highest amount we have ever received from sources outside our funding through the Department of Justice budget. You can read more details later in this report about what this increased funding allowed us to accomplish.

Anniversary Thank You's!

In this 20th anniversary year, the Commission served over 5000 people in a variety of ways that are described in the rest of this report. We did not do it alone. We thank the following organizations for their support and special donations to our work over this anniversary year: Erik's Audiotronics, Northwestel, Yukon Law Foundation, Office Supply Centre, Yukon Employees Union, The Women's Equality Fund, Carswell, BYTE (Bringing Youth Toward Equality) and Keith's Plumbing and Heating our new landlord, who made our move as efficient as possible.

Miranda Moore, University of Victoria Law Co-op student

We are also very grateful for the assistance of our University of

Victoria Law Co-op student, Miranda Moore, who did initial law reform research on the important issue of jurisdiction over human rights for First Nation governments and citizens in Canada and the Yukon in the summer of 2007. In addition, we thank Stephen Roddick, Sofie Fortin and Jessica Theissen who volunteered their time to help develop and promote the youth blog, including a poster campaign.

We also thank Harry Monk, Regional Director of the Canadian Human Rights Commission office in Vancouver, as well as the Yukon Workers' Compensation Health and Safety Board Prevention Fund and the Yukon Law Foundation for their funding for our harassment policy development workshops for employers and for plain language publications and workshops on accommodating people with mental disabilities in the workplace.

We especially thank the students, youth, women and girls who freely gave their time, ideas, experience, and advice to us on law reform and improving our system.

The Work of the Commission

MESSAGE FROM LYNN PIGAGE – INTAKE OFFICER

"If you phone or drop into the Commission my job is to answer your questions about your rights and to explain the human rights process. You might need information if you are an employee, an employer, a tenant, a landlord or someone giving or receiving a service. I might refer you to somewhere else, like the Law Line, if your situation doesn't fit within our Act. I write up inquiries to have our lawyer decide if your situation fits within the Yukon Human Rights Act. The next step is an "intake" which is where I gather all the details about the discrimination that you allege happened including who, what, where and when. The information forms a complaint which is then given to the Director of Human Rights, Heather MacFadgen, to perform a preliminary investigation to ensure your complaint is within the time limit, within the Commission's authority and is not 'frivolous or vexatious'. "

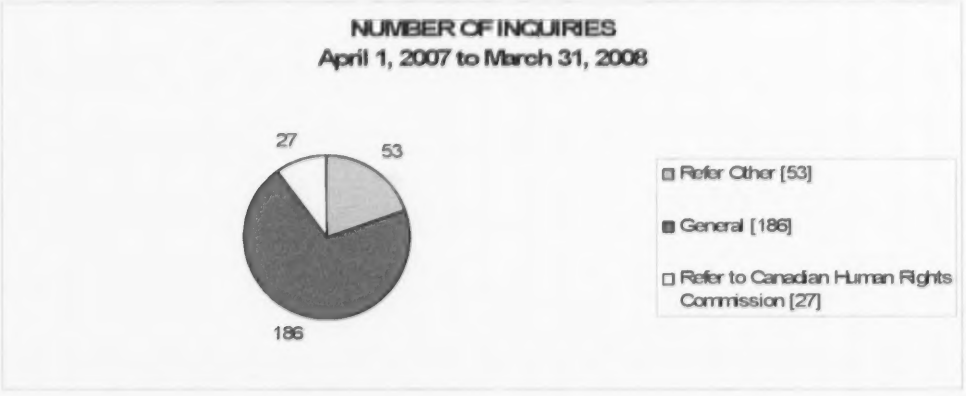

Figure 1

Figure 1
In 2007-2008, the Commission received 266 inquiries, 53 of which were referred to other agencies or organizations and 27 to the Canadian Human Rights Commission. The rest received advice and help on how to deal with their human rights concerns or issues. Often employees and sometimes employers and service providers call and ask what they should do about a human rights issue that they are dealing with. Commission staff give confidential advice to try and solve the problem and to prevent discrimination.

MESSAGE FROM GEOFFREY EDWARDS, INVESTIGATOR

"Once a complaint has been accepted by the Director as within YHRC jurisdiction it is forwarded to settlement / investigation. If the parties can't agree to settle a complaint or don't want to try, I am assigned to investigate the complaint. The fact that a complaint is accepted by the YHRC does not mean the YHRC agrees that the person has been discriminated against or that the person the complaint is against has done something wrong. That's why the investigation process is confidential.

For every complaint I interview witnesses, collect documents and other evidence, research human rights case law and organize all of this information into an Investigation Report. Some complex Investigation Reports are over five hundred pages long but usually they are around one hundred pages including all relevant documents and statements. I must be neutral which means that I gather all relevant information that could prove or disprove the allegations made in the complaint.

The Investigation Report is read by the Commissioners who decide whether to dismiss the complaint or forward it for settlement or to the Board of Adjudication if settlement attempts are unsuccessful. Sometimes people who file complaints ask me whether I believe them or whether I think they have a good case. I tell them that it is the Commissioners' job to make that decision and mine to present the Commissioners with all the relevant facts.

Because of the limited number of staff, I also help with intake on complaints, answering phones and disclosing investigation reports to the parties."

Figure 2: The chart shows the number of open complaints at the end of each fiscal year from 1998 to 2008. At the end of this fiscal year, there were 59 open complaints. (see discussion in Director's message.) These are complaints that the Commission is still dealing with, including those at hearing or court, at the end of the fiscal year. While there are more cases open since 2002, there are also more new complaints being filed each year than in years prior to 2002.

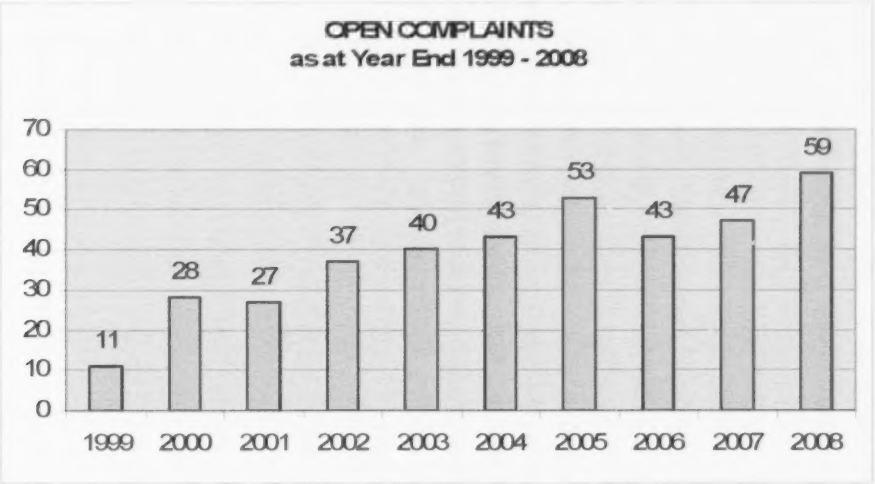

Figure 2

Figures 3 and 4 show complaints received from April 1, 2007 to March 31, 2008 by prohibited ground as protected by section 7 in the *Act* and listed below. Some cases are filed on more than one ground. The graph shows a substantial increase in the number of complaints related to sex discrimination and sexual harassment from last year. The largest number of complaints continues to be on the basis of physical and mental disability.

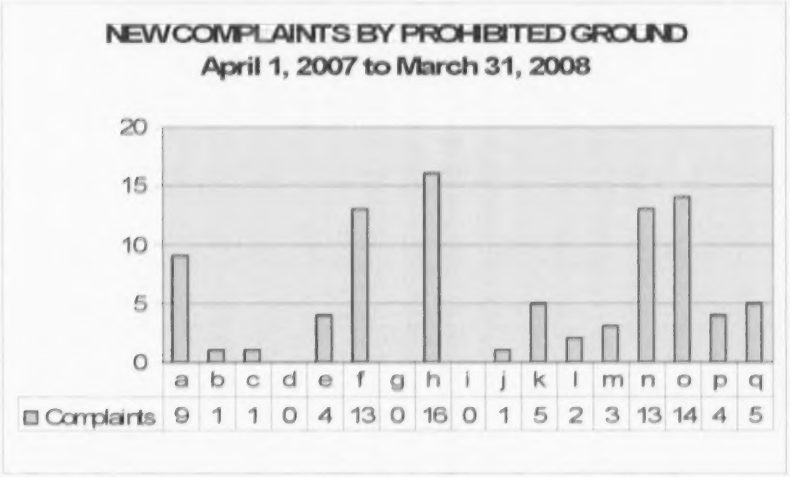
NEW COMPLAINTS BY PROHIBITED GROUND
April 1, 2007 to March 31, 2008
20
15
10
5
0
a b c d e f g h i j k l m n o p q
Complaints 9 1 1 0 4 13 0 16 0 1 5 2 3 13 14 4 5

Figure 3

Figure 4

Column	Number of Complaints	Prohibited Ground of Discrimination
a	9	Ancestry, including colour and race
b	1	National Origin
c	1	Ethnic or Linguistic background
d	0	Religion or Creed
e	4	Age
f	13	Sex, including pregnancy
g	0	Sexual orientation
h	16	Physical or Mental Disability
i	0	Criminal Charges or Record
j	1	Political Belief
k	5	Marital or Family Status
l	2	Source of Income
m	3	Actual or Presumed Association
n	13	Duty to Accommodate
o	14	Sexual Harassment/Harassment
p	4	Systemic Discrimination
q	5	Employers responsible for employee conduct (see Sec. 35 in the *Act*

Figure 5: Twenty-eight complaints were closed by the end of the fiscal year. Two of these were summary dismissals. These are cases where the Director dismisses or does not accept a complaint after a preliminary investigation because the complaint is either not within our jurisdiction or area of responsibility, or is "frivolous" or "vexatious", or is beyond the six month time limit.

For example, one case was dismissed because there were no allegations or evidence of a prohibited ground for the unfavourable treatment the person experienced. Another case was dismissed for several reasons, including that the events complained of were out of time.

Ten cases were informally resolved with the cooperation of the parties through the involvement of Commission staff before a full investigation. See some summaries of informal resolutions and settlements in the next section of this report.

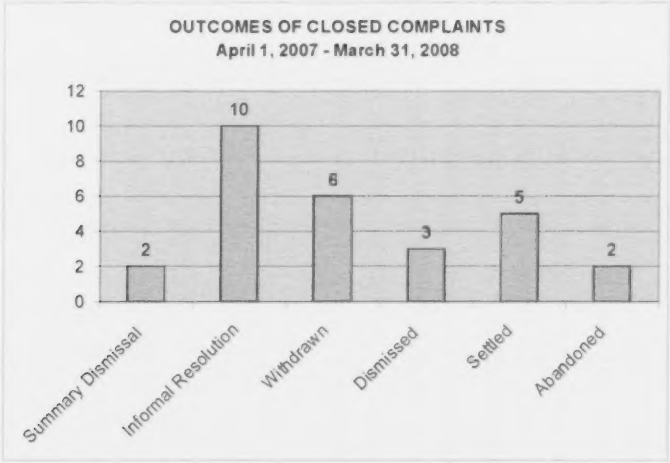

Figure 5

Figure 6: Twenty-eight complaints were finished this fiscal year. (See the Director's message about why this number was lower than in the past two years.)

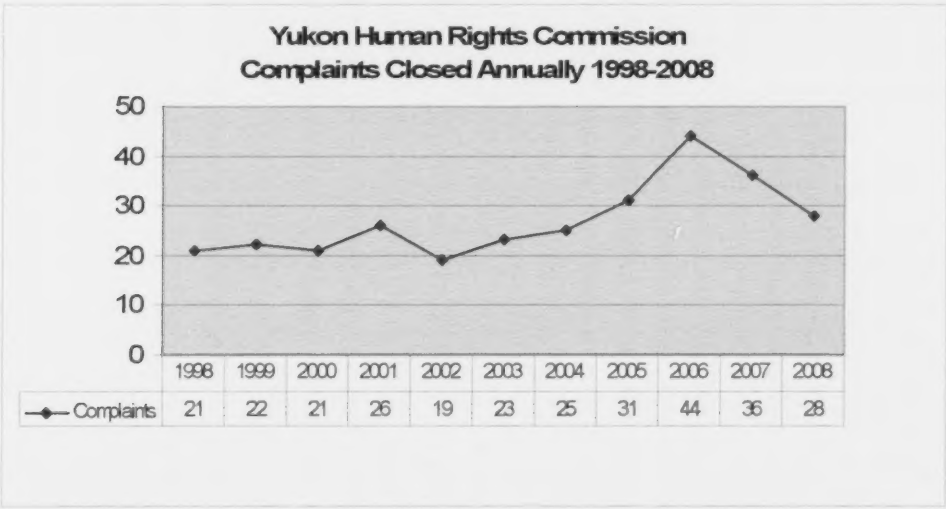

Figure 6

Figure 7: Shows a total of 40 new complaints filed between April 1, 2007 and March 31, 2008. The figure is consistent with much higher numbers of new complaints in the past three years, as compared to earlier years. However, as this workload has gone up, the Commission has only increased the staff to deal with it from 3.0 FTE [full-time equivalents] to 3.6 FTE, due to funding restrictions. Both the lawyer who does the disposition, settlement, hearing and court work, and the Director who does the preliminary investigation, informal resolution, and summary dismissal work are in part-time positions [both .8 FTE].

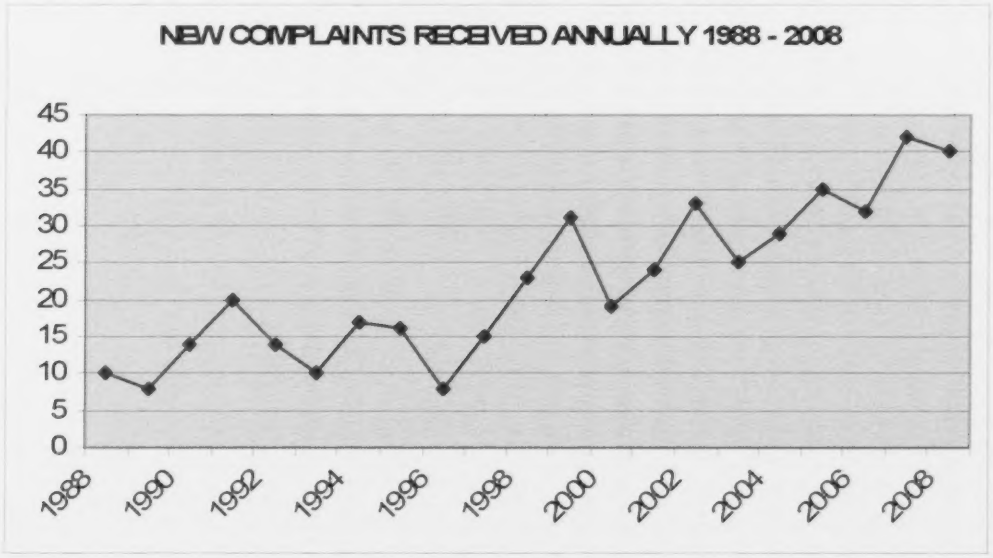

Figure 7

Informal Resolutions – Providing Remedies

The Commission's process is focused on helping people find remedies and solutions and not on punishing anyone. So the Commission makes every effort to help people settle complaints before investigation, if both parties are willing. The Director can recommend to both parties ways to settle the complaint in keeping with the purposes of the *Act.* This year, in a little over one-third of the cases closed, parties were able to cooperate to achieve a satisfactory settlement with the help of the Commission staff prior to a full investigation, saving time, resources and money. Here are some examples of remedies as part of informally resolving complaints this year.

- A woman of First Nations ancestry receiving social assistance complained that she had been treated unfavourably at a local store on the basis of her **ancestry and source of income**. She alleged that while she was shopping, security was called and she was asked to leave the store for no apparent reason. The Complainant received a gift certificate and a letter of apology for the treatment she received as part of the informal resolution of her complaint.

- A twenty one year old woman alleged that she was passed over for a management opportunity because of her age. She alleged that the employer appointed an older employee into the management job who was not as qualified as the Complainant, who had managed staff in previous jobs. She said that the supervisor told her he had made this appointment because the new manager "is in her 40's and has more life experience than you do." This **age discrimination complaint** was resolved by the employer agreeing to pay the Complainant $1,000 as compensation for injury to her dignity and feelings of self-worth and $1,410 as compensation for loss of wages.

- A pregnant employee alleged that her employer did not **accommodate her pregnancy** and her request for medical reasons due to her pregnancy to perform only her current duties. (She had requested that she not be required to train a new employee in addition to her regular duties in the last several months of her pregnancy before her maternity leave.) To resolve this **sex discrimination complaint**, the employer provided an apology and developed an information sheet with respect to the accommodation of pregnant employees.
- A woman with **diabetes** whose term was not renewed while she was on medical leave alleged that her **physical disability** was not **accommodated to the point of undue hardship** and that she was not renewed, in part, because of her disability. The complaint was informally resolved with compensation of $250 for general damages as well as $895 in vacation pay and over-time compensation.
- A woman being treated for **depression** and a hormone disorder complained that she was sexually harassed at work and that her disabilities were not accommodated to the point of undue hardship. She was on medical leave for her disabilities when she made the complaint. She alleged that before she left the workplace, the employer had taken away her duties and not replaced them with alternate work and that her supervisor talked about her disability and how it affected her work performance in a demeaning way. She also alleged that he had discussed at work his sexual relationships in a way that made her and other women uncomfortable. To resolve this **accommodation and sexual harassment complaint**, the employer paid $1,500 as compensation for injury to her dignity and feelings of self-worth and agreed to develop a work plan to accommodate her disability and return to work. (In the course of the complaint, the Supervisor left the workplace.)

Settlements – Providing Remedies

Message from Susan Roothman, Legal Counsel

"I am the lawyer for the Commission. My main task is to make sure that the Commission knows about and considers the applicable and up to date human rights law when a decision is being made. This applies to all levels of decision making by the Commission's staff and the Commissioners. I assist staff and Commissioners on each and every complaint from the first inquiry, through the investigation to the disposition of the complaint. When a complaint is referred for settlement by the Commissioners, I assist the parties to reach a settlement.

I also represent the Commission at the Board of Adjudication and at Court: that is, during hearings before the Board and during applications, judicial reviews and appeals in the Supreme Court of Yukon."

After an investigation is complete, the Commissioners will review the investigation report and may decide to refer it to the Commission's lawyer to attempt a settlement. If the matter cannot be settled, the complaint must be referred to the Yukon Human Rights Board of Adjudication for hearing, even if a reasonable settlement offer is rejected by the Complainant.

The Commission saved the cost of a Yukon Human Rights Board of Adjudication hearing by settling four complaints this year after investigation, but before or during the hearing. Here is an example of a settlement the Commission's lawyer helped the parties achieve, described below.

Discrimination in Employment based on Sex and Sexual Harassment

A woman working in a predominantly male workforce alleged discrimination based on sex as well as sexual harassment including unwelcome sexist language in the workplace. This complaint was referred to the Board of Adjudication but was settled before hearing. The employer agreed to pay damages including $1,000 for injury to dignity and feelings of self-worth and $8,000 for loss of wages.

Board of Adjudication Decision

If the complaint can't be settled with the agreement of the parties, it will be referred to the Board of Adjudication. The Board is entirely independent of the Commission and of government. If the Board finds discrimination occurred it can make orders to provide remedies to discrimination. Once a complaint comes before the Board, it becomes a matter of public record. Decisions of the Board may be appealed by either party to the Supreme Court of the Yukon Territory.

The following hearing occurred in this fiscal year:

Darrell March v Ed Huebert and Government of Yukon

The Complainant filed a complaint against his employer, Government of Yukon, saying that he was discriminated against on the ground of mental disability and was not accommodated in the workplace. The complaint was referred to the Board of Adjudication for a hearing. The Board concluded that it "finds no evidence of discrimination in this case." The Board further found that Government of Yukon lacked a consistent policy "for dealing with the Complainant's suffering from a mental disability but not to the extent of impairing the employee's rights." The Board however recommended that the employer "conduct a review of accommodation procedures and develop and implement a policy which will provide directives to assist in appropriate management of employment issues where employees have disclosed their mental disability". The Complainant's "tenacity" in bringing the matter before the Board was also acknowledged by the Board. The Board further concluded that the heightened awareness within Government of Yukon of the needs of employees with mental disabilities "should serve as a validation of his efforts".

The Board's decision to dismiss is currently under appeal to Supreme Court of Yukon by the Commission and the Complainant."

Public Education Activities

Message from Lillian Nakamura Maguire, Public Education Specialist

"The Commission's education work is designed to promote understanding of human rights and responsibilities and to prevent discrimination. I design, deliver and evaluate educational workshops and presentations and provide consultation services to employers, employees, students, union members, teachers, business owners, landlords and interested members of the public. Developing educational materials, updating our website, coordinating the publication of the annual report, doing research and writing reports, communicating with the media and working with community partners are other aspects of the work that I do. There is no end to the variety of groups and content with which I work. . . all packed into a 21 hour per week schedule."

Following are highlights of the educational activities undertaken in 2007 – 2008:

- 4,058 visitors, both first time and returning visitors to our website
- Publication of plain language information on the duty to accommodate funded through Yukon Law Foundation.
- Provided harassment-free workplace policy workshops for four First Nations governments and two not-for-profit organizations for a total of 118 people, including department managers and employees.
- Coordinated research, focus group meetings and interviews in preparation for the release of "Report on Human Rights of Women and Girls in Yukon", a project made possible through the Women's Equality Funding of the Women's Directorate. The views of 255 women and girls were collected.
- Offered duty to accommodate seminars in cooperation with Harry Monk, Regional Manager of the Canadian Human Rights Commission and with the assistance of Rick Goodfellow, member of the Commission on accessible services and building design for people with disabilities.
- Provided training as part of a settlement for a manager of a not-for-profit organization and for employees and manager of a retail outlet on human rights law in the workplace.
- Coordinated seminars by Margaret Tebbutt, Manager of the Mental Health Works program of the Canadian Mental Health Association, who provided three seminars on mental health issues in the workplace. One session was specifically targeted to senior management of public and private sector employers and non-government organizations. About 120 people attended the three seminars.
- As part of "Right To Know" week, this past fall, the Director and Ombudsman spoke to over two hundred students at Vanier Secondary School.
- Provided presentations on general human rights law to Yukon College students and a government advisory body.
- Lois Moorcroft, member of the Commission provided a presentation to 25 people on "Women and Global Human Rights" as part of Women's History Month activity

- During Asian History month, the Asian History photo exhibit was officially launched in conjunction with Yukon Archives, which 40 people attended.
- With financial assistance from the Yukon Employees Union, and input from B.Y.T.E. (Bringing Youth Toward Equality), a youth blog and website were designed to engage youth in human rights discussion. This formed the basis for a youth survey on human rights, which carried over into the 2008-09 fiscal year.

Many of the Commission's education programs were focused on increasing awareness among employers of the duty to accommodate, especially related to mental health disabilities. The demand for human rights education is increasing with the announcement of the review of the Yukon *Human Rights Act.* Many women responding to the survey on the human rights of women and girls, noted the need for more human rights education in the schools and also for employers. Most of the Commission's major educational initiatives would not have been possible without the financial assistance of the partners mentioned above. Human and financial resources limit our ability to respond to educational needs in the community, thus a focused and collaborative approach with other organizations and groups is required.

THE YUKON HUMAN RIGHTS COMMISSION

FINANCIAL STATEMENTS

MARCH 31, 2008
(unaudited)

Review Engagement Report

Statement of Financial Position

Statement of Operations

Statement of Changes in Net Assets

Statement of Cash Flows

Notes to Financial Statements

J. Kim Tanner, C.A., Ltd.
Chartered Accountant

REVIEW ENGAGEMENT REPORT

To the Commissioners of The Yukon Human Rights Commission:

I have reviewed the statement of financial position of The Yukon Human Rights Commission as at March 31, 2008 and the statements of operations, changes in net assets and cash flows for the year then ended. My review was made in accordance with Canadian generally accepted standards for review engagements and accordingly consisted primarily of enquiry, analytical procedures and discussions related to information supplied to me by the Commission.

A review does not constitute an audit and consequently I do not express an audit opinion on these financial statements.

Based on my review, nothing has come to my attention that causes me to believe that these financial statements are not, in all material respects, in accordance with Canadian generally accepted accounting principles. In addition, nothing has come to my attention that causes me to believe that operations for the year are not, in all material respects, in accordance with the terms of the contribution agreements entered into with the Government of Yukon during the year.

CHARTERED ACCOUNTANT

Whitehorse, Yukon
May 13, 2008

505 Jarvis Street, Whitehorse, Yukon, Y1A 2H7
PH: (867) 667-4700 FAX: (867) 667-4439

THE YUKON HUMAN RIGHTS COMMISSION

STATEMENT OF FINANCIAL POSITION

AS AT MARCH 31, 2008
(unaudited)

	2008	2007
ASSETS		
CURRENT ASSETS		
Cash	$ 22,187	$ 2,847
Accounts receivable	69,000	977
Prepaid expenses	2,748	2,380
	93,935	6,204
EQUIPMENT REPLACEMENT FUND (note 2b, 3)	6,500	20,000
CAPITAL ASSETS (note 2a, 4)	22,955	17,819
	$ 123,390	$ 44,023
LIABILITIES		
CURRENT LIABILITIES		
Bank indebtedness	$ -	$ 11,154
Accounts payable and accrued liabilities	3,512	6,906
Wages and employee benefits payable	46,210	37,968
Due to Equipment Reserve Fund	6,500	5,167
	56,222	61,195
NET ASSETS		
INVESTMENT IN CAPITAL ASSETS (note 2a, 3)	22,955	17,819
EQUIPMENT REPLACEMENT FUND (note 2b)	6,500	20,000
UNRESTRICTED NET ASSETS (DEFICIT)	37,713	(54,991)
	67,168	(17,172)
	$ 123,390	$ 44,023

APPROVED BY COMMISSIONERS:

THE YUKON HUMAN RIGHTS COMMISSION

STATEMENT OF OPERATIONS

FOR THE YEAR ENDED MARCH 31, 2008

(unaudited)

	2008	2007
REVENUE		
Government of Yukon grants for operations	$ 575,000	$ 451,000
Government of Yukon - Women's Equality	20,000	-
Government of Canada training grant	-	3,866
Interest income	5,715	6,114
Donations and other income	3,970	5,643
Yukon Law Foundation grant	10,325	4,690
	615,010	471,313
EXPENSES		
Administration		
Annual report	1,053	2,923
Dues and membership	995	1,373
Equipment repairs and maintenance	1,488	597
Interest and bank charges	212	220
Loss on disposal of asset	1,250	-
Office supplies	7,426	5,949
Postage, freight and deliveries	718	1,118
Professional fees	3,816	6,279
Subscriptions, publications and films	2,967	3,554
Telephone and internet	7,291	10,157
Theft	-	987
	27,216	33,157
Staff		
Contract services	-	1,780
Employee travel and training	1,328	5,836
Employee liability insurance	1,433	1,467
Recruitment costs	-	89
Wages and employee benefits	378,378	365,247
	381,139	374,419
Commission		
Commissioner honorariums	19,800	25,150
Board liability insurance	5,800	5,800
Commissioner training	1,538	5,482
Commissioner meetings and hospitality	489	5,325
	27,627	41,757
Public Education		
WCB Grant - Harassment Workshops/YDEC	1,946	5,677
Law Foundation Grant - Publications	4,926	-
Law Foundation Grant - Accommodation Workshop	10,129	-
Women's Equality Project	20,017	-
YEU Partner - Youth Blog	638	-
December 10 and March 21 Celebrations	894	235
Website and print materials	361	1,034
	38,911	6,946

THE YUKON HUMAN RIGHTS COMMISSION

STATEMENT OF OPERATIONS (continued)

FOR THE YEAR ENDED MARCH 31, 2008
(unaudited)

	2008	2007
Complaints Management		
Legal services	$ -	$ -
Case investigation	3,090	2,832
Hearing costs	7,592	595
	10,682	3,427
Operational		
Insurance	1,598	1,598
Janitorial	1,300	2,425
Rent	35,083	34,125
	37,981	38,148
	523,556	497,854
EXCESS (SHORTAGE) OF REVENUE OVER EXPENSES FOR THE YEAR	$ 91,454	$ (26,541)

THE YUKON HUMAN RIGHTS COMMISSION

STATEMENT OF CHANGES IN NET ASSETS

FOR THE YEAR ENDED MARCH 31, 2008
(unaudited)

	Equipment Replacement Fund	Investment in Capital Assets	Unrestricted Net Assets	Net 2008	Net 2007
BALANCE, BEGINNING OF YEAR	$ 20,000	$ 17,819	$ (54,991)	$ (17,172)	$ 15,516
Excess (deficiency) of revenue over expenses in year	-	-	91,454	91,454	(26,541)
Transfers between funds	(13,500)	-	13,500	-	33
Additions(disposal) of capital assets in year	-	12,250	(12,250)	-	-
Amortization of capital assets in year	-	(7,114)	-	(7,114)	(6,180)
BALANCE AT END OF YEAR	$ 6,500	$ 22,955	$ 37,713	$ 67,168	$ (17,172)

THE YUKON HUMAN RIGHTS COMMISSION

STATEMENT OF CASH FLOWS

FOR THE YEAR ENDED MARCH 31, 2008
(unaudited)

	2008	2007
CASH PROVIDED BY (USED FOR) OPERATIONS		
Cash received from Government of Yukon	$ 526,000	$ 451,000
Cash received from Government of Canada	-	3,866
Cash received from Yukon Law Foundation	10,325	4,690
Other cash received for operations	4,947	4,966
Cash paid out for wages and benefits	(370,136)	(360,981)
Cash paid out for other operational costs	(147,690)	(124,041)
	23,446	(20,500)
CASH PROVIDED BY (USED FOR) FINANCING AND INVESTMENT		
Funds borrowed from(repaid to) Equipment Replacement Fund	1,333	(33)
Funds from Equipment Replacement Fund used to purchase capital assets	13,500	33
Proceeds from (purchase of) capital assets	(13,500)	787
Interest income received on term deposits and savings	5,715	6,114
	7,048	6,901
INCREASE (DECREASE) IN CASH FOR THE YEAR	30,494	(13,599)
CASH AT BEGINNING OF YEAR	(8,307)	5,292
CASH AT END OF YEAR	$ 22,187	$ (8,307)

THE YUKON HUMAN RIGHTS COMMISSION

NOTES TO FINANCIAL STATEMENTS

FOR THE YEAR ENDED MARCH 31, 2008
(unaudited)

1. PURPOSE OF THE ORGANIZATION

The Yukon Human Rights Commission is a Yukon non-profit organization created to investigate and resolve allegations of human rights abuse in the Yukon. It is an organization created and funded by the Government of Yukon to administer the Human Rights Act.

2. SIGNIFICANT ACCOUNTING POLICIES

a) Amortization

Amortization is provided at rates sufficient to amortize the cost over the estimated useful lives of the assets. Leasehold improvements are amortized on a straight-line basis over five years. Other capital assets are amortized using the declining balance method at the rates set out in note 4.

Current year amortization totals $7,114 ($6,180 in 2007).

The Investment in Capital Assets represents the total amortized capital assets of the Commission.

b) Equipment Replacement Fund

The Commission established an Equipment Replacement Fund in fiscal 2004 to help cover the costs of future equipment replacement. Fund monies may only be used for major new equipment purchases and any use of these funds must be approved in advance by the Commissioners. The Commission determines any additions to this fund annually.

The Equipment Replacement Fund is supposed to be held in a guaranteed investment certificate. Interest earned on this fund is not added to the fund but used for general Commission activities. See note 3 for further details.

c) Donated Materials

Donated capital assets and materials are recorded at estimated fair market value with a corresponding amount of revenue recorded as "Donations in kind".

THE YUKON HUMAN RIGHTS COMMISSION

NOTES TO FINANCIAL STATEMENTS

FOR THE YEAR ENDED MARCH 31, 2008
(unaudited)

3. EQUIPMENT RESERVE FUND

The equipment reserve fund consists of:

	2008	2007
Guaranteed Investment Certificate	$ -	$ 14,833
Monies loaned to General Fund from the Equipment Reserve Fund, to be repaid as soon as possible.	6,500	5,167
	$ 6,500	$ 20,000

4. CAPITAL ASSETS

	2008				2007
	Rate	Cost	Accumulated Amortization	Net	Net
Furniture & equipment	20%	$ 57,572	$ 48,689	$ 8,883	$ 11,103
Computer equipment	30%	43,236	40,419	2,817	4,024
Computer equipment	45%	19,273	8,018	11,255	1,442
Leasehold improvements	S.L.	-	-	-	1,250
		$ 120,081	$ 97,126	$ 22,955	$ 17,819

5. FINANCIAL INSTRUMENTS

The Yukon Human Rights Commission's financial instruments consist of cash, accounts receivable, accounts payable, and deferred revenue. Unless otherwise noted, it is the Commissioner's opinion that the Yukon Human Rights Commission is not exposed to significant interest, currency or credit risks arising from these financial instruments. The fair values of these financial instruments approximate their carrying values, unless otherwise noted.

6. MEASUREMENT UNCERTAINTY

The preparation of financial statements in accordance with generally accepted accounting principles requires management to make assumptions and estimates that have an effect on the reported amount of assets and liabilities at the date of the financial statements and the reported amount of revenues and expenses during the period. Actual results could be different from those estimates.

7. ECONOMIC DEPENDENCE

The Commission is economically dependent on the Government of Yukon Territory as substantially all operating revenue comes from this source.

8. LEASE AGREEMENT

The Commission has a lease agreement for office space which expires in November 2012. Rental payments of $3,083.33 are due monthly under this agreement until December 2010 when the payments increase to $3,291.66.